APPALACHIAN MOUNTAIN ADVOCATES

Virginia
415 Seventh Street NE
Charlottesville, VA 22902
(434) 529-6787

West Virginia
Post Office Box 507
Lewisburg, WV 24901
(304) 645-9006

www.appalmad.org



11 December 2015

Logged by KEB

William Roller, President
Swanson Plating Corporation, Inc.
2608 Smithtown Road
Morgantown, West Virginia 26508

By Certified Mail — Return Receipt Requested

Re: **Sixty-Day Notice of Intent to File Citizen Suit Under Clean Water Act Section 505(a)(1) for Violation of Terms and Conditions of West Virginia NPDES Permit No. WV0070076**

Dear Mr. Roller:

The Sierra Club, in accordance with Section 505 of the Clean Water Act (the "Act" or the "CWA"), 33 U.S.C. § 1365, and 40 C.F.R. Part 135, hereby notifies you that the Swanson Plating Corporation ("Swanson") has violated, and continues to violate, "an effluent standard or limitation" under Section 505(a)(1)(A) of the Act, 33 U.S.C. § 1365(a)(1)(A), by failing to comply with the terms of West Virginia / National Pollution Discharge Elimination System ("WV/NPDES") Permit No. WV0070076. Furthermore, Swanson is in ongoing and continuous violation of Section 301 of the Act, 33 U.S.C. § 1311, as a result of its discharges into West Virginia's waters in excess of applicable effluent limitations. If within sixty days of the postmark of this letter Swanson does not bring itself into full compliance with the Act, we intend to file a citizens' suit seeking civil penalties for ongoing and continuing violations and for an injunction compelling it to come into compliance with the Act.

Swanson holds WV/NPDES Permit No. WV0070076 (the "Permit"), which regulates discharges from Swanson's facility in Monongalia County, West Virginia (the "Facility"). The Permit requires that Swanson monitor the volume and/or concentration of pollutants in the effluent it discharges into Toms Run, a tributary of the Monongahela River and a water of the United States. The Permit also sets limits on the volume and/or concentration of pollutants Swanson may discharge. Those limits are known as effluent limitations, and the violation of an effluent limitation is actionable under Section 505(a)(1) of the Act.

The Permit requires that Swanson submit discharge monitoring reports ("DMRs") to the West Virginia Department of Environmental Protection (the "WVDEP")—the agency charged with administering the WV/NPDES program. The DMRs Swanson provided to the WVDEP for the period of March 30, 2009 through November 19, 2015, however, reveal at least 304 violations of the numeric effluent limitations and reporting requirements governing Outlet 009 of the Permit for the parameters Total Residual Chlorine, Total Ammonia Nitrogen, Through-Plant or In-Conduit Flow, Biochemical Oxygen Demand, pH, Dissolved Oxygen, Total Suspended Solids, and Fecal Coliform. Swanson's DMRs also reveal at least four (4) violations of the numeric effluent limitations governing Outlet 005 of the permit for the parameters of Temperature and pH.

Each discharge amount that exceeds permit limits is an unlawful and unpermitted discharge and, therefore, is not shielded from liability under Section 402(k) of the Clean Water Act. Swartz v. Beach, 229 F. Supp. 2d 1239, 1269 (D. Wyo. 2001); U.S. E.P.A., Revised Policy Statement on Scope of Discharge Authorization and Shield Associated with NPDES Permits at 2, n.1 (April 11, 1995) (explaining that, in a NPDES permit, "authorization is only provided to discharge such pollutants within the limits and subject to the conditions set forth in the permit" (emphasis added)). When assessing civil penalties, the federal courts consider a violation of an average monthly effluent limitation to be a violation of the limit for each and every day of the moth that the violation occurred. See, e.g., Chesapeake Bay Found., Inc. v. Gwaltney of Smithfield, Ltd., 791 F.2d 304, 313–15 (4th Cir. 1986), vac'd on other grounds, 484 U.S. 49 (1987). Under that rule, Swanson has accrued 4,846 days of violations of the numeric effluent limitations and reporting requirements in the Permit.

In addition to numeric effluent limitations, the Permit also requires that all discharges be "of such quality so as not to cause violation of applicable water quality standards." This includes the narrative water quality standards encoded in W. Va. Code R. § 47-2-3 and prohibiting the presence of waste in state waters that causes or materially contributes to, in relevant part: (1) "odors in the vicinity of the waters," W. Va. Code R. § 47-2-3.2.c; (2) "odor that would adversely affect the designated uses of the affected waters," W. Va. Code R. § 47-2-3.2.d; or (3) "[a]ny other condition . . . which adversely alters the integrity of the waters of the State," W. Va. Code R. § 47-2-3.2.i. The Rules further disallow any "significant adverse impact to the chemical, physical, hydrologic, or biological components of aquatic ecosystems." W. Va. Code R. § 47-2-3.2.i. Citizens may enforce these narrative water quality standards as effluent limitations where, as here, they are incorporated as a condition of an NPDES permit. See Ohio Valley Envtl. Coalition v. Fola Coal Co., 82 F. Supp. 3d 673, 678 (S.D. W. Va. 2015); Ohio Valley Envtl. Coalition, Inc. v. Elk Run Coal Co., 24 F. Supp. 3d 532 (S.D. W. Va. 2014); Ohio Valley Envtl. Coalition, Inc. v. Alex Energy, Inc., 12 F. Supp. 3d 844 (S.D. W. Va. 2014); Ohio Valley Envtl. Coalition, Inc. v. CONSOL of Kentucky, Inc., Civ. No. 2:13-cv-5005, 2014 WL 1761938 at *3 (S.D. W. Va. Apr. 30, 2014); Ohio Valley Envtl. Coalition, Inc. v. Fola Coal Co., LLC, Civ. No. 2:12-cv-3750, 2013 WL 6709957 at *21 (S.D. W. Va. Dec. 19, 2013); Ohio Valley Envtl. Coalition, Inc. v. Marfork Coal Co., Inc., 966 F. Supp. 2d 667, 685 (S.D. W. Va. 2013). See also, e.g., Northwest Envtl. Advocates v. City of Portland, 56 F.3d 979, 986-88 (9th

Cir. 1995); New Manchester Resort & Golf, LLC v. Douglasville Development, LLC, 734 F. Supp. 2d 1326, 1226-39 (N.D. Ga. 2010); Swartz v. Beach, 229 F. Supp. 2d 1239, 1270-72 (D. Wyo. 2002); Gill v. LDI, 19 F. Supp. 2d 1188, 1195 (W.D. Wash. 1998).

Toms Run is designated for recreational use and for use as an aquatic habitat. See W. Va. Code R. § 47-2-6.1. However, the World Health Organization warns that water can be malodorous when ammonia concentrations are as low as 1.5 mg/l. See World Health Org., "Ammonia in Drinking-Water," Guidelines for Drinking-Water Quality (2d ed. 1996). By comparison, DMRs submitted by Swanson reveal that in one recent month, for example, the Facility discharged approximately 22,000 gallons of water per day with an average ammonia concentration of 10.10 mg/l. Depending on ambient conditions at the time,[1] such discharges may have "cause[d] or materially contribute[d] to . . . odors in the vicinity of the waters" and to "odors that would adversely affect the designated uses of" Toms Run. See W. Va. Code R. §§ 47-2-3.2.

In the absence of any indication that Swanson has made serious efforts to prevent similar violations in the future, we believe Swanson is in ongoing and continuing violation of these effluent limitations and thus subject to a citizen suit under Section 505(a)(1) of the Act. If Swanson fails to come into complete compliance with the Act and the terms of its Permit, then we intend to file a citizen suit under Section 505(a)(1) of the Act for civil penalties and injunctive relief. Be aware that this notice is sufficient to allow us to sue Swanson for any post-notice violations related to the violations described herein. See generally Public Interest Research Group of N.J. v. Hercules, Inc., 50 F.3d 1239 (3d Cir. 1995).

If Swanson has taken any steps to eradicate the underlying cause or causes of the violations identified in this letter, or if Swanson believes that anything in this letter is inaccurate, please let us know. If Swanson does not advise us of any remedial steps during the sixty-day period, we will assume no such steps have been taken and that violations are likely to continue. Additionally, we would be happy to meet with Swanson or its representatives to attempt a resolution of these issues within the sixty-day notice period.

Sincerely,

Evan D Johns

Evan D. Johns
Joseph M. Lovett
Appalachian Mountain Advocates
415 Seventh Street Northeast
Charlottesville, Virginia 22902
ejohns@appalmad.org
(304) 439 - 0303

[1] According to the WVDEP, Toms Run's 7Q10 flow is 0.0033 cubic feet per second—approximately 1,939 gallons per day.

*Counsel for*:

Sierra Club
85 Second Street, Second Floor
San Francisco, California 94105
(415) 977 – 5680

CC (Via Certified Mail, Return Receipt Requested):

The Honorable Randy Huffman, Secretary
West Virginia Department of Environmental Protection
601 Fifty-Seventh Street
Charleston, West Virginia 25304

The Honorable Shawn M. Garvin, Regional Administrator
United States Environmental Protection Agency Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

The Honorable Gina McCarthy, Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue Northwest
Washington, District of Columbia 20460

Paul Collins
2608 Smithtown Road
Morgantown, West Virginia 26508

# APPENDIX A

| Outlet 009 | | | | | | |
|---|---|---|---|---|---|---|
| Parameter | Month | Type | Reported | Limit | Unit | Violations |
| Chlorine, Total Residual | October 2015 | Avg. Monthly | 0.02 | 0.012 | mg/l | 31* |
| pH | October 2015 | Inst. Min. | 5.45 | 6† | S.U. | 1 |
| Chlorine, Total Residual | September 2015 | Avg. Monthly | 1.10 | 0.012 | mg/l | 30* |
| Chlorine, Total Residual | September 2015 | Max. Daily | 2.20 | 0.023 | mg/l | 1 |
| Dissolved Oxygen | August 2015 | Inst. Min. | 4.9 | 6† | mg/l | 1 |
| Flow, In Conduit or Through Plant | July 2015 | Max. Daily | 0.0158 | 0.0075 | mgd | 1 |
| Dissolved Oxygen | July 2015 | Inst. Min. | 3.6 | 6† | mg/l | 1 |
| Nitrogen, Ammonia Total | July 2015 | Avg. Monthly | 0.46653 | 0.19 | lbs/day | 31* |
| Nitrogen, Ammonia Total | July 2015 | Max. Daily | 0.46653 | 0.38 | lbs/day | 1 |
| Nitrogen, Ammonia Total | July 2015 | Avg. Monthly | 3.54 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | May 2015 | Avg. Monthly | 9.62 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | May 2015 | Max. Daily | 9.62 | 6 | mg/l | 1 |
| Chlorine, Total Residual | May 2015 | Avg. Monthly | 0.46 | 0.012 | mg/l | 31* |
| Chlorine, Total Residual | May 2015 | Max. Daily | 0.46 | 0.023 | mg/l | 1 |
| Flow, In Conduit or Through Plant | April 2015 | Max. Daily | 0.022 | 0.0075 | mgd | 1 |
| Biochemical Oxygen Demand | April 2015 | Avg. Monthly | 0.918 | 0.31 | lbs/day | 30* |
| Biochemical Oxygen Demand | April 2015 | Max. Daily | 0.918 | 0.62 | lbs/day | 1 |
| Nitrogen, Ammonia Total | April 2015 | Avg. Monthly | 1.85337 | 0.19 | lbs/day | 30* |
| Nitrogen, Ammonia Total | April 2015 | Max. Daily | 1.85337 | 0.38 | lbs/day | 1 |
| Nitrogen, Ammonia Total | April 2015 | Avg. Monthly | 10.10 | 3 | mg/l | 30* |
| Nitrogen, Ammonia Total | April 2015 | Max. Daily | 10.10 | 6 | mg/l | 1 |
| Biochemical Oxygen Demand | February 2015 | Avg. Monthly | 6 | 5 | mg/l | 28* |
| Nitrogen, Ammonia Total | February 2015 | Avg. Monthly | 0.29694 | 0.19 | lbs/day | 28* |
| Nitrogen, Ammonia Total | February 2015 | Avg. Monthly | 17.80 | 3 | mg/l | 28* |
| Nitrogen, Ammonia Total | February 2015 | Max. Daily | 17.80 | 6 | mg/l | 1 |
| Chlorine, Total Residual | February 2015 | Avg. Monthly | 0.02 | 0.012 | mg/l | 28* |

| Outlet 009 | | | | | | |
|---|---|---|---|---|---|---|
| Parameter | Month | Type | Reported | Limit | Unit | Violations |
| Chlorine, Total Residual | December 2014 | Avg. Monthly | 0.04 | 0.012 | mg/l | 31* |
| Chlorine, Total Residual | December 2014 | Max. Daily | 0.04 | 0.023 | mg/l | 1 |
| Chlorine, Total Residual | November 2014 | Avg. Monthly | 0.02 | 0.012 | mg/l | 30* |
| pH | October 2014 | Inst. Min. | 4.83 | 6† | S.U. | 1 |
| Nitrogen, Ammonia Total | October 2014 | Avg. Monthly | 4.3 | 3 | mg/l | 31* |
| pH | September 2014 | Inst. Min. | 4.24 | 6† | S.U. | 1 |
| Chlorine, Total Residual | September 2014 | Avg. Monthly | 0.02 | 0.012 | mg/l | 30* |
| Dissolved Oxygen | August 2014 | Inst. Min. | 5.6 | 6† | mg/l | 1 |
| Chlorine, Total Residual | August 2014 | Avg. Monthly | 0.14 | 0.012 | mg/l | 31* |
| Chlorine, Total Residual | August 2014 | Max. Daily | 0.14 | 0.023 | mg/l | 1 |
| Nitrogen, Ammonia Total | July 2014 | Avg. Monthly | 4.0 | 3 | mg/l | 31* |
| Chlorine, Total Residual | June 2014 | Avg. Monthly | 0.02 | 0.012 | mg/l | 30* |
| Biochemical Oxygen Demand | May 2014 | Avg. Monthly | 18 | 5 | mg/l | 31* |
| Biochemical Oxygen Demand | May 2014 | Max. Daily | 18 | 10 | mg/l | 1 |
| pH | May 2014 | Inst. Min. | 4.24 | 6† | S.U. | 1 |
| Nitrogen, Ammonia Total | May 2014 | Avg. Monthly | 11.6 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | May 2014 | Max. Daily | 11.6 | 6 | mg/l | 1 |
| Chlorine, Total Residual | July 2014 | Avg. Monthly | 0.03 | 0.012 | mg/l | 31* |
| Chlorine, Total Residual | July 2014 | Max. Daily | 0.03 | 0.023 | mg/l | 1 |
| Chlorine, Total Residual | April 2014 | Avg. Monthly | 0.63 | 0.012 | mg/l | 30* |
| Chlorine, Total Residual | April 2014 | Max. Daily | 0.63 | 0.023 | mg/l | 1 |
| Biochemical Oxygen Demand | March 2014 | Avg. Monthly | 6.0 | 5 | mg/l | 31* |
| pH | March 2014 | Inst. Min. | 5.63 | 6† | S.U. | 1 |
| Nitrogen, Ammonia Total | March 2014 | Avg. Monthly | 6.47 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | March 2014 | Max. Daily | 6.47 | 6 | mg/l | 1 |
| Nitrogen, Ammonia Total | February 2014 | Avg. Monthly | 5.75 | 3 | mg/l | 28* |
| Chlorine, Total Residual | February 2014 | Avg. Monthly | 0.02 | 0.012 | mg/l | 28* |

| Outlet 009 | | | | | | |
|---|---|---|---|---|---|---|
| Parameter | Month | Type | Reported | Limit | Unit | Violations |
| Nitrogen, Ammonia Total | January 2014 | Avg. Monthly | 0.2789 | 0.19 | lbs/day | 31* |
| Nitrogen, Ammonia Total | January 2014 | Avg. Monthly | 15.2 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | January 2014 | Max. Daily | 15.2 | 6 | mg/l | 1 |
| pH | December 2013 | Inst. Min. | 5.69 | 6† | S.U. | 1 |
| Nitrogen, Ammonia Total | December 2013 | Avg. Monthly | 15.2 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | December 2013 | Max. Daily | 15.2 | 6 | mg/l | 1 |
| Chlorine, Total Residual | December 2013 | Avg. Monthly | 0.02 | 0.012 | mg/l | 31* |
| Chlorine, Total Residual | November 2013 | Avg. Monthly | 0.02 | 0.012 | mg/l | 30* |
| Chlorine, Total Residual | October 2013 | Avg. Monthly | 0.05 | 0.012 | mg/l | 31* |
| Chlorine, Total Residual | October 2013 | Max. Daily | 0.05 | 0.023 | mg/l | 1 |
| pH | September 2013 | Inst. Min. | 5.78 | 6† | S.U. | 1 |
| Dissolved Oxygen | September 2013 | Inst. Min. | 5.82 | 6† | mg/l | 1 |
| Chlorine, Total Residual | August 2013 | Avg. Monthly | 0.06 | 0.012 | mg/l | 31* |
| Chlorine, Total Residual | August 2013 | Max. Daily | 0.06 | 0.023 | mg/l | 1 |
| pH | July 2013 | Inst. Min. | 5.78 | 6† | S.U. | 1 |
| Dissolved Oxygen | July 2013 | Inst. Min. | 5.32 | 6† | mg/l | 1 |
| Chlorine, Total Residual | July 2013 | Avg. Monthly | 0.07 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | July 2013 | Max. Daily | 0.07 | 0.018 | mg/l | 1 |
| pH | June 2013 | Inst. Min. | 5.30 | 6† | S.U. | 1 |
| Dissolved Oxygen | June 2013 | Inst. Min. | 5.82 | 6† | mg/l | 1 |
| Chlorine, Total Residual | June 2013 | Avg. Monthly | 0.04 | 0.009 | mg/l | 30* |
| Chlorine, Total Residual | June 2013 | Max. Daily | 0.04 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | April 2013 | Avg. Monthly | 6.5 | 5 | mg/l | 30* |
| Biochemical Oxygen Demand | April 2013 | Max. Daily | 11.0 | 10 | mg/l | 1 |
| pH | April 2013 | Inst. Min. | 5.50 | 6† | S.U. | 1 |
| Nitrogen, Ammonia Total | April 2013 | Avg. Monthly | 3.20 | 3 | mg/l | 30* |
| pH | March 2013 | Inst. Min. | 5.10 | 6† | S.U. | 1 |

| Outlet 009 | | | | | | |
|---|---|---|---|---|---|---|
| Parameter | Month | Type | Reported | Limit | Unit | Violations |
| Nitrogen, Ammonia Total | March 2013 | Avg. Monthly | 3.25 | 3 | mg/l | 31* |
| Chlorine, Total Residual | March 2013 | Avg. Monthly | 0.03 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | March 2013 | Max. Daily | 0.03 | 0.018 | mg/l | 1 |
| Nitrogen, Ammonia Total | February 2013 | Avg. Monthly | 11.70 | 3 | mg/l | 28* |
| Nitrogen, Ammonia Total | February 2013 | Max. Daily | 11.70 | 6 | mg/l | 1 |
| Chlorine, Total Residual | February 2013 | Avg. Monthly | 0.04 | 0.009 | mg/l | 28* |
| Chlorine, Total Residual | February 2013 | Max. Daily | 0.04 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | December 2012 | Avg. Monthly | 7.8 | 5 | mg/l | 31* |
| Nitrogen, Ammonia Total | December 2012 | Avg. Monthly | 12.10 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | December 2012 | Max. Daily | 12.10 | 6 | mg/l | 1 |
| Chlorine, Total Residual | December 2012 | Avg. Monthly | 0.05 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | December 2012 | Max. Daily | 0.05 | 0.018 | mg/l | 1 |
| pH | November 2012 | Inst. Min. | 5.76 | 6† | S.U. | 1 |
| Chlorine, Total Residual | November 2012 | Avg. Monthly | 0.059 | 0.009 | mg/l | 30* |
| Chlorine, Total Residual | November 2012 | Max. Daily | 0.059 | 0.018 | mg/l | 1 |
| pH | October 2012 | Inst. Min. | 5.69 | 6† | S.U. | 1 |
| Nitrogen, Ammonia Total | October 2012 | Avg. Monthly | 6.20 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | October 2012 | Max. Daily | 6.20 | 6 | mg/l | 1 |
| pH | August 2012 | Inst. Min. | 5.70 | 6† | S.U. | 1 |
| Chlorine, Total Residual | July 2012 | Avg. Monthly | 0.24 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | July 2012 | Max. Daily | 0.48 | 0.018 | mg/l | 1 |
| Dissolved Oxygen | June 2012 | Inst. Min. | 5.93 | 6† | mg/l | 1 |
| Biochemical Oxygen Demand | June 2012 | Avg. Monthly | N/T‡ | 0.31 | lbs/day | 30* |
| Biochemical Oxygen Demand | June 2012 | Max. Daily | N/T‡ | 0.62 | lbs/day | 1 |
| Biochemical Oxygen Demand | June 2012 | Avg. Monthly | N/T‡ | 5 | mg/l | 30* |
| Biochemical Oxygen Demand | June 2012 | Max. Daily | N/T‡ | 10 | mg/l | 1 |
| Total Suspended Solids | June 2012 | Avg. Monthly | N/T‡ | 1.88 | lbs/day | 30* |

| Outlet 009 | | | | | | |
|---|---|---|---|---|---|---|
| Parameter | Month | Type | Reported | Limit | Unit | Violations |
| Total Suspended Solids | June 2012 | Max. Daily | N/T‡ | 3.76 | lbs/day | 1 |
| Total Suspended Solids | June 2012 | Avg. Monthly | N/T‡ | 30 | mg/l | 30* |
| Total Suspended Solids | June 2012 | Max. Daily | N/T‡ | 60 | mg/l | 1 |
| pH | June 2012 | Inst. Min. | N/T‡ | 6† | S.U. | 1 |
| pH | June 2012 | Inst. Max | N/T‡ | 9 | S.U. | 1 |
| Nitrogen, Ammonia Total | June 2012 | Avg. Monthly | N/T‡ | 0.19 | lbs/day | 30* |
| Nitrogen, Ammonia Total | June 2012 | Max. Daily | N/T‡ | 0.38 | lbs/day | 1 |
| Nitrogen, Ammonia Total | June 2012 | Avg. Monthly | N/T‡ | 3 | mg/l | 30* |
| Nitrogen, Ammonia Total | June 2012 | Max. Daily | N/T‡ | 6 | mg/l | 1 |
| Chlorine, Total Residual | June 2012 | Avg. Monthly | N/T‡ | 0.009 | mg/l | 30* |
| Chlorine, Total Residual | June 2012 | Max. Daily | N/T‡ | 0.018 | mg/l | 1 |
| Dissolved Oxygen | May 2012 | Inst. Min. | 5.21 | 6† | mg/l | 1 |
| Nitrogen, Ammonia Total | May 2012 | Avg. Monthly | 4.75 | 3 | mg/l | 31* |
| Chlorine, Total Residual | May 2012 | Avg. Monthly | 0.09 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | May 2012 | Max. Daily | 0.09 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | April 2012 | Avg. Monthly | 7.0 | 5 | mg/l | 30* |
| Fecal Coliform | April 2012 | Monthly Mean | >790 | 200 | per 100ml | 30* |
| Fecal Coliform | April 2012 | Max. Daily | >1200 | 400 | per 100ml | 1 |
| Dissolved Oxygen | April 2012 | Inst. Min. | 5.26 | 6† | mg/l | 1 |
| Nitrogen, Ammonia Total | April 2012 | Avg. Monthly | 6.87 | 3 | mg/l | 30* |
| Nitrogen, Ammonia Total | April 2012 | Max. Daily | 6.87 | 6 | mg/l | 1 |
| Chlorine, Total Residual | April 2012 | Avg. Monthly | 0.2 | 0.009 | mg/l | 30* |
| Chlorine, Total Residual | April 2012 | Max. Daily | 0.4 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | March 2012 | Avg. Monthly | 103 | 5 | mg/l | 31* |
| Biochemical Oxygen Demand | March 2012 | Max. Daily | 188 | 10 | mg/l | 1 |
| Dissolved Oxygen | March 2012 | Inst. Min. | 0.51 | 6† | mg/l | 1 |
| Nitrogen, Ammonia Total | March 2012 | Avg. Monthly | 15.6 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | March 2012 | Max. Daily | 21.4 | 6 | mg/l | 1 |

| Outlet 009 | | | | | | |
|---|---|---|---|---|---|---|
| Parameter | Month | Type | Reported | Limit | Unit | Violations |
| Chlorine, Total Residual | March 2012 | Avg. Monthly | 0.06 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | March 2012 | Max. Daily | 0.08 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | February 2012 | Avg. Monthly | 9.8 | 5 | mg/l | 29* |
| Nitrogen, Ammonia Total | February 2012 | Avg. Monthly | 0.2486 | 0.19 | lbs/day | 29* |
| Nitrogen, Ammonia Total | February 2012 | Avg. Monthly | 20.7 | 3 | mg/l | 29* |
| Nitrogen, Ammonia Total | February 2012 | Max. Daily | 20.7 | 6 | mg/l | 1 |
| Chlorine, Total Residual | February 2012 | Avg. Monthly | 0.01 | 0.009 | mg/l | 29* |
| Fecal Coliform | January 2012 | Monthly Mean | 2500 | 200 | per 100ml | 31* |
| Fecal Coliform | January 2012 | Max. Daily | 5000 | 400 | per 100ml | 1 |
| pH | January 2012 | Inst. Min. | 5.71 | 6† | S.U. | 1 |
| Nitrogen, Ammonia Total | January 2012 | Avg. Monthly | 8.85 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | January 2012 | Max. Daily | 8.85 | 6 | mg/l | 1 |
| Fecal Coliform | December 2011 | Monthly Mean | 210 | 200 | per 100ml | 31* |
| Nitrogen, Ammonia Total | December 2011 | Avg. Monthly | 7.21 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | December 2011 | Max. Daily | 7.21 | 6 | mg/l | 1 |
| Biochemical Oxygen Demand | November 2011 | Avg. Monthly | 11.9 | 5 | mg/l | 30* |
| Biochemical Oxygen Demand | November 2011 | Max. Daily | 18.0 | 10 | mg/l | 1 |
| Fecal Coliform | November 2011 | Monthly Mean | 3005 | 200 | per 100ml | 30* |
| Fecal Coliform | November 2011 | Max. Daily | >6000 | 400 | per 100ml | 1 |
| Nitrogen, Ammonia Total | November 2011 | Avg. Monthly | 15.4 | 3 | mg/l | 30* |
| Nitrogen, Ammonia Total | November 2011 | Max. Daily | 29 | 6 | mg/l | 1 |
| Chlorine, Total Residual | November 2011 | Avg. Monthly | 0.10 | 0.009 | mg/l | 30* |
| Biochemical Oxygen Demand | October 2011 | Avg. Monthly | 8.0 | 5 | mg/l | 31* |
| Dissolved Oxygen | October 2011 | Inst. Min. | 4.11 | 6† | mg/l | 1 |
| Biochemical Oxygen Demand | September 2011 | Avg. Monthly | 6.4 | 5 | mg/l | 30* |
| Dissolved Oxygen | September 2011 | Inst. Min. | 4.15 | 6† | mg/l | 1 |
| Nitrogen, Ammonia Total | September 2011 | Avg. Monthly | 10.3 | 3 | mg/l | 30* |
| Nitrogen, Ammonia Total | September 2011 | Max. Daily | 10.3 | 6 | mg/l | 1 |

| Outlet 009 | | | | | | |
|---|---|---|---|---|---|---|
| Parameter | Month | Type | Reported | Limit | Unit | Violations |
| Chlorine, Total Residual | September 2011 | Avg. Monthly | 0.02 | 0.009 | mg/l | 30* |
| Chlorine, Total Residual | September 2011 | Max. Daily | 0.02 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | August 2011 | Avg. Monthly | 12.6 | 5 | mg/l | 31* |
| Biochemical Oxygen Demand | August 2011 | Max. Daily | 12.2 | 10 | mg/l | 1 |
| Dissolved Oxygen | August 2011 | Inst. Min. | 4.27 | 6† | mg/l | 1 |
| Nitrogen, Ammonia Total | August 2011 | Avg. Monthly | 4.81 | 3 | mg/l | 31* |
| Chlorine, Total Residual | August 2011 | Avg. Monthly | 0.14 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | August 2011 | Max. Daily | 0.29 | 0.018 | mg/l | 1 |
| Nitrogen, Ammonia Total | July 2011 | Avg. Monthly | 4.33 | 3 | mg/l | 31* |
| Chlorine, Total Residual | July 2011 | Avg. Monthly | 0.38 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | July 2011 | Max. Daily | 0.38 | 0.018 | mg/l | 1 |
| Fecal Coliform | June 2011 | Monthly Mean | 5600 | 200 | per 100ml | 30* |
| Fecal Coliform | June 2011 | Max. Daily | 5600 | 400 | per 100ml | 1 |
| Dissolved Oxygen | June 2011 | Inst. Min. | 5.02 | 6† | mg/l | 1 |
| Nitrogen, Ammonia Total | June 2011 | Avg. Monthly | 0.4221 | 0.19 | lbs/day | 30* |
| Nitrogen, Ammonia Total | June 2011 | Max. Daily | 0.4221 | 0.38 | lbs/day | 1 |
| Nitrogen, Ammonia Total | June 2011 | Avg. Monthly | 11 | 3 | mg/l | 30* |
| Nitrogen, Ammonia Total | June 2011 | Max. Daily | 11 | 6 | mg/l | 1 |
| Chlorine, Total Residual | June 2011 | Avg. Monthly | 0.01 | 0.009 | mg/l | 30* |
| Dissolved Oxygen | May 2011 | Inst. Min. | 4.88 | 6† | mg/l | 1 |
| Nitrogen, Ammonia Total | May 2011 | Avg. Monthly | 4.45 | 3 | mg/l | 31* |
| Chlorine, Total Residual | May 2011 | Avg. Monthly | 0.02 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | May 2011 | Max. Daily | 0.02 | 0.018 | mg/l | 1 |
| Flow, In Conduit or Through Plant | March 2011 | Max. Daily | 0.0094 | 0.0075 | mgd | 1 |
| Biochemical Oxygen Demand | March 2011 | Avg. Monthly | 1.3329 | 0.31 | lbs/day | 31* |
| Biochemical Oxygen Demand | March 2011 | Max. Daily | 1.3329 | 0.62 | lbs/day | 1 |
| Biochemical Oxygen Demand | March 2011 | Avg. Monthly | 17 | 5 | mg/l | 31* |

| Outlet 009 | | | | | | |
|---|---|---|---|---|---|---|
| Parameter | Month | Type | Reported | Limit | Unit | Violations |
| Biochemical Oxygen Demand | March 2011 | Max. Daily | 17 | 10 | mg/l | 1 |
| Nitrogen, Ammonia Total | March 2011 | Avg. Monthly | 1.0036 | 0.19 | lbs/day | 31* |
| Nitrogen, Ammonia Total | March 2011 | Max. Daily | 1.0036 | 0.38 | lbs/day | 1 |
| Nitrogen, Ammonia Total | March 2011 | Avg. Monthly | 12.8 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | March 2011 | Max. Daily | 12.8 | 6 | mg/l | 1 |
| Chlorine, Total Residual | March 2011 | Avg. Monthly | 0.08 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | March 2011 | Max. Daily | 0.08 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | February 2011 | Avg. Monthly | 11.0 | 5 | mg/l | 28* |
| Biochemical Oxygen Demand | February 2011 | Max. Daily | 11.0 | 10 | mg/l | 1 |
| Fecal Coliform | February 2011 | Monthly Mean | 4600 | 200 | per 100ml | 28* |
| Fecal Coliform | February 2011 | Max. Daily | 4600 | 400 | per 100ml | 1 |
| Nitrogen, Ammonia Total | February 2011 | Avg. Monthly | 4.91 | 3 | mg/l | 28* |
| Chlorine, Total Residual | February 2011 | Avg. Monthly | 0.21 | 0.009 | mg/l | 28* |
| Chlorine, Total Residual | February 2011 | Max. Daily | 0.21 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | January 2011 | Avg. Monthly | 22.0 | 5 | mg/l | 31* |
| Biochemical Oxygen Demand | January 2011 | Max. Daily | 22.0 | 10 | mg/l | 1 |
| Nitrogen, Ammonia Total | January 2011 | Avg. Monthly | 13.5 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | January 2011 | Max. Daily | 13.5 | 6 | mg/l | 1 |
| Biochemical Oxygen Demand | December 2010 | Avg. Monthly | 7 | 5 | mg/l | 31* |
| Dissolved Oxygen | December 2010 | Inst. Min. | 5.51 | 6† | mg/l | 1 |
| Nitrogen, Ammonia Total | December 2010 | Avg. Monthly | 0.2684 | 0.19 | lbs/day | 31* |
| Nitrogen, Ammonia Total | December 2010 | Avg. Monthly | 18.6 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | December 2010 | Max. Daily | 18.6 | 6 | mg/l | 1 |
| Biochemical Oxygen Demand | November 2010 | Avg. Monthly | 16 | 5 | mg/l | 30* |
| Biochemical Oxygen Demand | November 2010 | Max. Daily | 16 | 10 | mg/l | 1 |
| Nitrogen, Ammonia Total | November 2010 | Avg. Monthly | 3.96 | 3 | mg/l | 30* |
| Chlorine, Total Residual | November 2010 | Avg. Monthly | 0.08 | 0.009 | mg/l | 30* |
| Chlorine, Total Residual | November 2010 | Max. Daily | 0.08 | 0.018 | mg/l | 1 |

| Outlet 009 | | | | | | |
|---|---|---|---|---|---|---|
| Parameter | Month | Type | Reported | Limit | Unit | Violations |
| Biochemical Oxygen Demand | October 2010 | Avg. Monthly | 10.0 | 5 | mg/l | 31* |
| Chlorine, Total Residual | October 2010 | Avg. Monthly | 0.08 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | October 2010 | Max. Daily | 0.08 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | September 2010 | Avg. Monthly | 18.5 | 5 | mg/l | 30* |
| Biochemical Oxygen Demand | September 2010 | Max. Daily | 23.0 | 10 | mg/l | 1 |
| Nitrogen, Ammonia Total | September 2010 | Avg. Monthly | 0.2586 | 0.19 | lbs/day | 30* |
| Nitrogen, Ammonia Total | September 2010 | Max. Daily | 0.4221 | 0.38 | lbs/day | 1 |
| Nitrogen, Ammonia Total | September 2010 | Avg. Monthly | 15.5 | 3 | mg/l | 30* |
| Nitrogen, Ammonia Total | September 2010 | Max. Daily | 25.3 | 6 | mg/l | 1 |
| Chlorine, Total Residual | September 2010 | Avg. Monthly | 0.02 | 0.009 | mg/l | 30* |
| Chlorine, Total Residual | September 2010 | Max. Daily | 0.02 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | August 2010 | Avg. Monthly | 8.0 | 5 | mg/l | 31* |
| Chlorine, Total Residual | August 2010 | Avg. Monthly | 0.03 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | August 2010 | Max. Daily | 0.03 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | July 2010 | Avg. Monthly | 0.60 | 0.31 | lbs/day | 31* |
| Biochemical Oxygen Demand | July 2010 | Avg. Monthly | 18.0 | 5 | mg/l | 31* |
| Biochemical Oxygen Demand | July 2010 | Max. Daily | 18.0 | 10 | mg/l | 1 |
| Dissolved Oxygen | July 2010 | Inst. Min. | 3.97 | 6† | mg/l | 1 |
| Chlorine, Total Residual | July 2010 | Avg. Monthly | 0.03 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | July 2010 | Max. Daily | 0.03 | 0.018 | mg/l | 1 |
| Total Suspended Solids | June 2010 | Avg. Monthly | 31 | 30 | mg/l | 30* |
| Dissolved Oxygen | June 2010 | Inst. Min. | 5.33 | 6† | mg/l | 1 |
| Nitrogen, Ammonia Total | June 2010 | Avg. Monthly | 4.01 | 3 | mg/l | 30* |
| Chlorine, Total Residual | June 2010 | Avg. Monthly | 0.07 | 0.009 | mg/l | 30* |
| Chlorine, Total Residual | June 2010 | Max. Daily | 0.07 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | May 2010 | Avg. Monthly | 17.0 | 5 | mg/l | 31* |
| Biochemical Oxygen Demand | May 2010 | Max. Daily | 17.0 | 10 | mg/l | 1 |

| Outlet 009 | | | | | | |
|---|---|---|---|---|---|---|
| Parameter | Month | Type | Reported | Limit | Unit | Violations |
| Dissolved Oxygen | May 2010 | Inst. Min. | 4.16 | 6† | mg/l | 1 |
| Chlorine, Total Residual | May 2010 | Avg. Monthly | 0.03 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | May 2010 | Max. Daily | 0.03 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | April 2010 | Avg. Monthly | 0.38 | 0.31 | lbs/day | 30* |
| Biochemical Oxygen Demand | April 2010 | Avg. Monthly | 25 | 5 | mg/l | 30* |
| Biochemical Oxygen Demand | April 2010 | Max. Daily | 25 | 10 | mg/l | 1 |
| Nitrogen, Ammonia Total | April 2010 | Avg. Monthly | 5.65 | 3 | mg/l | 30* |
| Chlorine, Total Residual | April 2010 | Avg. Monthly | 0.09 | 0.009 | mg/l | 30* |
| Chlorine, Total Residual | April 2010 | Max. Daily | 0.09 | 0.018 | mg/l | 1 |
| Nitrogen, Ammonia Total | March 2010 | Avg. Monthly | 3.38 | 3 | mg/l | 31* |
| Flow, In Conduit or Through Plant | February 2010 | Max. Daily | 0.0079 | 0.0075 | mgd | 1 |
| Nitrogen, Ammonia Total | February 2010 | Avg. Monthly | 0.41 | 0.19 | lbs/day | 28* |
| Nitrogen, Ammonia Total | February 2010 | Max. Daily | 0.41 | 0.38 | lbs/day | 1 |
| Nitrogen, Ammonia Total | February 2010 | Avg. Monthly | 6.24 | 3 | mg/l | 28* |
| Nitrogen, Ammonia Total | February 2010 | Max. Daily | 6.24 | 6 | mg/l | 1 |
| Chlorine, Total Residual | February 2010 | Avg. Monthly | 0.05 | 0.009 | mg/l | 28* |
| Chlorine, Total Residual | February 2010 | Max. Daily | 0.05 | 0.018 | mg/l | 1 |
| Fecal Coliform | January 2010 | Monthly Mean | 636 | 200 | per 100ml | 31* |
| Fecal Coliform | January 2010 | Max. Daily | 636 | 400 | per 100ml | 1 |
| Nitrogen, Ammonia Total | January 2010 | Avg. Monthly | 9.05 | 3 | mg/l | 31* |
| Nitrogen, Ammonia Total | January 2010 | Max. Daily | 9.05 | 6 | mg/l | 1 |
| Chlorine, Total Residual | January 2010 | Avg. Monthly | 0.01 | 0.009 | mg/l | 31* |
| Biochemical Oxygen Demand | December 2009 | Avg. Monthly | 6.0 | 5 | mg/l | 31* |
| Fecal Coliform | December 2009 | Monthly Mean | 1460 | 200 | per 100ml | 31* |
| Fecal Coliform | December 2009 | Max. Daily | 1460 | 400 | per 100ml | 1 |
| pH | December 2009 | Inst. Min. | 5.93 | 6† | S.U. | 1 |
| Nitrogen, Ammonia Total | December 2009 | Avg. Monthly | 3.77 | 3 | mg/l | 31* |

| Outlet 009 | | | | | | |
|---|---|---|---|---|---|---|
| Parameter | Month | Type | Reported | Limit | Unit | Violations |
| Biochemical Oxygen Demand | November 2009 | Avg. Monthly | 18 | 5 | mg/l | 30* |
| Biochemical Oxygen Demand | November 2009 | Max. Daily | 18 | 10 | mg/l | 1 |
| Dissolved Oxygen | November 2009 | Inst. Min. | 4.67 | 6† | mg/l | 1 |
| Chlorine, Total Residual | November 2009 | Avg. Monthly | 0.02 | 0.009 | mg/l | 30* |
| Chlorine, Total Residual | November 2009 | Max. Daily | 0.02 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | October 2009 | Avg. Monthly | 6 | 5 | mg/l | 31* |
| Chlorine, Total Residual | September 2009 | Avg. Monthly | 0.04 | 0.009 | mg/l | 30* |
| Chlorine, Total Residual | September 2009 | Max. Daily | 0.04 | 0.018 | mg/l | 1 |
| Chlorine, Total Residual | August 2009 | Avg. Monthly | 0.04 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | August 2009 | Max. Daily | 0.04 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | July 2009 | Avg. Monthly | 0.38 | 0.31 | lbs/day | 31* |
| Biochemical Oxygen Demand | July 2009 | Avg. Monthly | 6.0 | 5 | mg/l | 31* |
| Dissolved Oxygen | July 2009 | Inst. Min. | 4.52 | 6† | mg/l | 1 |
| Chlorine, Total Residual | July 2009 | Avg. Monthly | 0.32 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | July 2009 | Max. Daily | 0.32 | 0.018 | mg/l | 1 |
| Chlorine, Total Residual | June 2009 | Avg. Monthly | 50.0 | 0.009 | mg/l | 30* |
| Chlorine, Total Residual | June 2009 | Max. Daily | 50.0 | 0.018 | mg/l | 1 |
| Dissolved Oxygen | May 2009 | Inst. Min. | N/T‡ | 6† | mg/l | 1 |
| Chlorine, Total Residual | May 2009 | Avg. Monthly | 0.07 | 0.009 | mg/l | 31* |
| Chlorine, Total Residual | May 2009 | Max. Daily | 0.07 | 0.018 | mg/l | 1 |
| Biochemical Oxygen Demand | April 2009 | Avg. Monthly | 6.0 | 5 | mg/l | 30* |
| Dissolved Oxygen | April 2009 | Inst. Min. | N/T‡ | 6† | mg/l | 1 |
| Biochemical Oxygen Demand | March 2009 | Avg. Monthly | 7.0 | 5 | mg/l | 31* |
| Fecal Coliform | March 2009 | Monthly Mean | 400 | 200 | per 100ml | 31* |
| Dissolved Oxygen | March 2009 | Inst. Min. | 5.3 | 6† | mg/l | 1 |
| Nitrogen, Ammonia Total | March 2009 | Avg. Monthly | 3.9 | 3 | mg/l | 31* |
| Chlorine, Total Residual | March 2009 | Avg. Monthly | 90.00 | 9 | ug/l | 31* |

| Outlet 009 | | | | | | |
|---|---|---|---|---|---|---|
| Parameter | Month | Type | Reported | Limit | Unit | Violations |
| Chlorine, Total Residual | March 2009 | Max. Daily | 90.00 | 18 | ug/l | 1 |
| | | | | | Total Violations at Outlet 009 | 4,813 |

| Outlet 005 | | | | | | |
|---|---|---|---|---|---|---|
| Parameter | Month | Type | Reported | Limit | Unit | Violations |
| Water Temperature | September 2014 | Avg. Monthly | 75.4 | 75.2 | °F | 30* |
| pH | June 2013 | Inst. Min. | 5.02 | 6† | S.U. | 1 |
| pH | September 2010 | Inst. Min. | 5.15 | 6† | S.U. | 1 |
| pH | June 2009 | Inst. Min. | 5.72 | 6† | S.U. | 1 |
| | | | | | Total Violations at Outlet 005 | 33 |

* See Chesapeake Bay Foundation, Inc. v. Gwaltney of Smithfield, Ltd., 791 F.3d 304, 313-315 (4th Cir. 1986) (violation of an average monthly effluent limitation is appropriately considered a violation of the limit for each day of that month), vac'd on other grounds, 484 U.S. 49 (1987).

† Minimum Limitation

‡ Quantity or Concentration of Pollutant Not Tested or Reported

| Total Permit Violations | 4,846 |
|---|---|